

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF MISSOURI  
SOUTHERN DIVISION**

MARY R. BOWER, et al., )  
Plaintiffs. )  
v. )  
Case No. 05-3221-CV-S-GAF  
SPRINGFIELD R-12 SCHOOL )  
DISTRICT, et al., )  
Defendants. )

## ORDER

Presently before the Court is a Motion to Strike filed by the Defendants. (Doc. #51). The Defendants seek an Order dismissing, or in the alternative, striking, the portions of the Plaintiff's First Amended Original Petition, Document # 48 ("First Amended Complaint"), which raise claims or seek remedies for, or on behalf of, Gabrielle Lyon and Ariel Bower as they are not represented by legal counsel and their mother, Mary Bower, who is proceeding pro se in this matter, may not appear on their behalf as an advocate in a representative capacity. Id. As the Court denied Mary Bower's Motion to Appoint Counsel and dismissed Gabrielle Lyon and Ariel Bower from the case in its Order dated March 14, 2006, the portions of the First Amended Complaint which raise claims or seek remedies for, or on behalf of, Gabrielle Lyon and Ariel Bower are **HEREBY STRICKEN**.

The Defendants also ask the Court to dismiss, or in the alternative, strike, the claims asserted by Mary Bower in the First Amended Complaint against the Superintendent of the School District of Springfield, R-12 and members of the School District of Springfield, R-12, Board of Education in their

official capacity because Mary Bower failed to file an amended complaint within five days of the Court's Order granting her leave to amend her complaint to add these individuals as parties. (Doc. #51). In her response to the present Motion, Mary Bower asserts that she "has no objection to the striking of the Superintendent of Schools, or of the striking of 'individual' school board members." (Doc. #53). Accordingly, as Mary Bower consents to the striking of these parties, the portions of the First Amended Complaint which allege that the Superintendent of the School District of Springfield, R-12 and the members of the School District of Springfield, R-12, Board of Education are sued in their official capacities are **HEREBY STRICKEN**.

The Defendants further request that "the first paragraph numbered ten (10) which begins on the fourth (4<sup>th</sup>) unnumbered page and ends on the nineteenth(19<sup>th</sup>) unnumbered page" be stricken due to Mary Bower's apparent failure to comply with Fed. R. Civ. P. 10(b). The Court recognizes that this is a severe penalty, particularly for a pro se plaintiff, and accordingly DENIES this portion of the Defendant's Motion to Strike.

Based on the foregoing, the Defendant's Motion to Strike is GRANTED in PART and DENIED in PART.

**IT IS SO ORDERED.**

/s/ Gary A. Fenner  
GARY A. FENNER, JUDGE  
United States District Court

DATED: March 14, 2006